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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,159	09/29/2003	Richard Braun	67519.001038	5546
21967 7590 04/17/2007 HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109			EXAMINER HIGA, BRENDAN Y	
			ART UNIT 2153	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/17/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/675,159

Applicant(s)

BRAUN ET AL.

Examiner

Brendan Y. Higa

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The Examiner would like to note that the present application has been reassigned to a new Examiner.

This Office action is in response to Applicant's amendment and request for reconsideration filed on February 01, 2007.

Claims 1-27 are pending.

Response to Arguments

Applicant's arguments filed February 01, 2007 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., *"temporarily assigning higher access rights to a remote user to allow the remote user to execute one or more programs on the end user device"*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to the applicant's arguments that Chapman does not teach *"assigning an elevated access right to a remote user identifier and a limited access right to an end user identifier, the limited access right operable to prevent access to the utility at the end user device"*, the examiner respectfully disagrees.

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Chapman describes a plurality of terminals 12, 14, 16 in a computer network having access to an active Unix system 2 (wherein the active Unix system is read as the end user device having a utility program, see Fig. 1, and col. 5, lines 18-30).

Furthermore, Chapman teaches [at least] two types of user [operating on the plurality of terminals 12, 14, 16] with access to the Unix system 2, a "super user" (read as a user having an elevated access right) and a "normal user" (see col. 3, lines 66-col. 4, line 9).

Once a remote user logs into the Unix system 2, the user's identity is verified through a typical Unix logon sequence (see col. 5, line 10-col. 6, line 6) and the Unix system establishes the user's credentials (read as assigning access privileges), which are stored in a user database and define the user's accountability and access rights (read as "normal user" access rights or "super user" access rights, see col. 5, lines 30-42).

Furthermore, once the user's credentials have been established, Chapman then teaches that only the users that are assigned "super user" privileged are able to gain access to the control program (read as the utility at the end user device) running on the Unix system 2 (see col. 3, line 66-col. 4, line 9 and col. 6, lines 20-29, *"In Unix terms the privileged user must have superuser authority having a unique user identification number 33 of zero"*, read as the limited access right operable to prevent access to the utility at the end user device).

In response to the applicant's arguments that Chapman does not teach *"launching the administrative tool according to the elevated access right while the end user identifier retains the limited access right to the end user device"*, the examiner respectfully disagrees, see col. 6, lines 7-55, wherein the user having "super user" privileges

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accesses the control program, and issues a command warning other users [currently accessing the Unix system 2] (read as "normal users") of an impending access restriction. Thus, for at least a temporary "grace" period, the "super user", having access to the control program, and the "normal users" both have access to the Unix system 2, according to their respective access privileges.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 9-12, 13-19, and 21-27 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5774650 to Chapman et al. (hereinafter Chapman).

As per claim 1 and 25 Chapman discloses a method for using a utility (see access control program – Chapman column 6 lines 13-19; the program allows a permitted user to make administrative configuration changes) at an end user device (see systems 2,4,6,8 - Chapman column 3 lines 20-22; the utility resides in the systems), comprising: assigning an elevated access right (see privilege user – Chapman column 4 lines 1-4, and establishing credentials upon login, see col. 5, lines 30-42) to a remote user identifier (see remote – Chapman column 3 lines 39-43, and user identity ["username"],

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see col. 5, lines 30-42, also see user number zero – Chapman column 4 lines 39-40; user with the identifier zero refers to having an elevated access) and a limited access right to an end user identifier (see normal user – Chapman column 4 lines 1-4 and col. 5, lines 30-42), the limited access right operable to prevent access to the utility at the end user device (see col. 6, lines 24-29); Accessing the utility at the end user device using the remote user identifier (access control program, see column 6 lines 20-24), the utility operable to allow the remote user identifier (see provide for privilege user – Chapman column 4 lines 4-6); to select an administrative tool at the end user device (see command line – Chapman column 6 lines 13-19; command line is the administrative tool used by a user with proper access rights to change or configure the end user system, also see “command line arguments” col. 6, lines 29-40) Launching the administrative tool according to the elevated access right while maintaining the limited access right of the end user identifier (see col. 6, lines 7-55, wherein the user having “super user” privileges accesses the control program, and issues a command warning other users [currently accessing the Unix system 2] (read as “normal users”) of an impending access restriction. Thus, for at least a temporary “grace” period, the “super user”, having access to the control program, and the “normal users” both have access to the Unix system 2, according to their respective access privileges); and performing at least one administrative task at the end user device using the administrative tool (see col. 6, lines 54-col. 7, lines 31).

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As per claims 2 and 14 Chapman discloses, wherein assigning an elevated access right (see privilege user – Chapman column 4 lines 1-4) to a remote user identifier and a limited access right to an end user identifier further comprises: setting up at a network directory a remote user profile for the remote user identifier, the remote user profile associating the remote user identifier with the elevated access right (see Figure 2 and user account file – Chapman column 4 lines 23-26; also see super user denoted by user number zero – Chapman column 4 line 39-40); and setting up at the network directory an end user profile, the end user profile associating the end user identifier with the limited access right (see Figure 2 and user account file – Chapman column 4 lines 23-26; also see create definition -Chapman line 56-57; the definition corresponds to the user name in the user account profile, and based on this the user has limited access right since the definition states the unauthorized users).

As per claim 3 and 15 Chapman discloses, wherein accessing the utility at the end user device using the remote user identifier further comprises receiving the remote user identifier (see login – Chapman column 5 lines 22-28; the username that is typed in is the remote user identifier); authenticating the remote user identifier using a network directory, the network directory comprising a profile associating the remote user identifier with the elevated access right (see authenticating and access rights – see Chapman column 5 lines 30-41; note that the account details is obtained from the user account file shown in figure 2); and granting access to the utility using the elevated

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access right (see invoke access control program and check that user is privilege to do so – Chapman column 6 lines 20-25).

As per claims 4,10,16 and 22 Chapman discloses, establishing a remote connection using a remote control module at a remote user device (see session can be opened with the remote system 2 using protocol – Chapman column 5 lines 18-22).

As per claims 5,11, 17 and 23 Chapman discloses, detecting a break in the remote Connection (see logging off – see Chapman column 7 lines 14-17; logging off breaks remote connection); and closing at least one process (see terminating all processes – Chapman column 7 lines 16-17), the at least one process corresponding to the administrative tool used to perform the administrative task (see exit access control program – Chapman column 7 lines 28-30).

As per claims 6,12,18 and 24 as best understood, Chapman discloses, wherein the remote user identifier is associated with the remote user device (see superuser – Chapman column 4 lines 39-40), the remote user device (see Chapman figure 1 block 12) located at a separate location (see other remote terminals – Chapman column 3 lines 39-43; note that the terminals are stated as remote therefore separate from the RISC System which corresponds to figure 1 block 2) from the end user device (see Chapman figure 1 block 2).

As per claims 7 and 19 Chapman discloses, wherein the administrative task comprises operations that affect the settings of the end user device (command line arguments supplied – Chapman column 6 lines 29-36; the command line arguments are the administrative tasks that will affect settings at the end user device, which includes restricting access).

As per claims 9, 21 and 26, Chapman discloses a method and software of elevating an access right at an end user device comprising: receiving an authentication message from a network in response to a login request from a remote user identifier (see authenticating and access rights – see Chapman column 5 lines 30-41; note that the account details is obtained from the user account file shown in figure 2), the authentication message operable to inform if the remote user identifier is associated with an elevated access right, the elevated access right operable to allow access to an administrative tool at the end user device (see invoke access control program and check that user is privilege to do so – Chapman column 6 lines 20-25); generating an elevated access layer using the elevated access right, the elevated access layer operable to: initiate an administrative tool at the end user device (see invoke access control program and check that user is privilege to do so – Chapman column 6 lines 20-25); and elevate the access right of the remote user identifier according to the elevated access right (see privilege user – Chapman column 4 lines 1-4); launching the administrative tool using the elevated access layer (see entering command – Chapman column 6 lines 20-22); and processing at least one administrative task at the end user

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device using the administrative tool while the end user identifier retains the limited access right to the end user device (see col. 6, lines 7-55, wherein the user having "super user" privileges accesses the control program, and issues a command warning other users [currently accessing the Unix system 2] (read as "normal users") of an impending access restriction. Thus, for at least a temporary "grace" period, the "super user", having access to the control program, and the "normal users" both have access to the Unix system 2, according to their respective access privileges); the limited access right operable to prevent access to the administrative tool at the end user device (see col. 3, line 66-col. 4, line 9 and col. 6, lines 20-29, *"In Unix terms the privileged user must have superuser authority having a unique user identification number 33 of zero"*).

As per claim 13, Chapman discloses, a system for elevating access rights of a remote user, comprising: a network directory operable to assign an elevated access right to a remote user identifier and a limited access right to an end user identifier (see Figure 2 and user account file – Chapman column 4 lines 23-26; also see super user denoted by user number zero – Chapman column 4 line 39-40); a utility stored (access control program – Chapman column 4 lines 2-4) at an end user device and operable to: launch the administrative tool according to the elevated access right while the end user identifier retains the limited access rights to the end user ((see col. 6, lines 7-55, wherein the user having "super user" privileges accesses the control program, and issues a command warning other users [currently accessing the Unix system 2] (read as "normal users") of an impending access restriction. Thus, for at least a temporary

"grace" period, the "super user", having access to the control program, and the "normal users" both have access to the Unix system 2, according to their respective access privileges), the limited access right operable to prevent access to the utility at an end user device (see col. 3, line 66-col. 4, line 9 and col. 6, lines 20-29, *"In Unix terms the privileged user must have superuser authority having a unique user identification number 33 of zero"*) and perform at least one administrative task at the end user device using the administrative tool (see col. 6, lines 54-col. 7, lines 31); and a remote (see remote – Chapman column 3 lines 39-43) user device (see Chapman figure 1 block 12) operable to access the utility at the end user (access control program – Chapman column 4 lines 2-4) device using the remote user identifier (see provide for privilege user – Chapman column 4 lines 4-6) in order to perform the at least one administrative task at the end user device (see col. 6, lines 54-col. 7, lines 31).

As per claim 27, Chapman discloses, a method of elevating an access right at an end user device, comprising: receiving an authentication message from a network in response to a login request from a remote user identifier (see authenticating and access rights – see Chapman column 5 lines 30-41; note that the account details is obtained from the user account file shown in figure 2), the authentication message operable to inform if the remote user identifier is associated with an elevated access right, the elevated access right operable to allow access to an administrative tool at the end user device, (see invoke access control program and check that user is privilege to do so – Chapman column 6 lines 20-25). the remote user identifier associated with a remote

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user device (see superuser – Chapman column 4 lines 39-40), the remote user device (see Chapman figure 1 block 12) being at a separate location from the end user device (see Chapman figure 1 block 2); generating an elevated access layer using the elevated access right, the elevated access layer operable to: initiate an administrative tool at the end user device (see invoke access control program and check that user is privilege to do so – Chapman column 6 lines 20-25); and elevate the access right of the remote user identifier according to the elevated access right (see privilege user – Chapman column 4 lines 1-4); launching the administrative tool using the elevated access layer, while the end user identifier retains the limited access rights to the end user device (see col. 6, lines 7-55, wherein the user having “super user” privileges accesses the control program, and issues a command warning other users [currently accessing the Unix system 2] (read as “normal users”) of an impending access restriction. Thus, for at least a temporary “grace” period, the “super user”, having access to the control program, and the “normal users” both have access to the Unix system 2, according to their respective access privileges); and processing at least one administrative task at the end user device using the administrative tool while maintaining an end user identifier logged into the network with a limited access right (see col. 6, lines 7-55, wherein the user having “super user” privileges accesses the control program, and issues a command warning (read as a administrative task) to other users [currently accessing the Unix system 2] (read as “normal users”) of an impending access restriction. Thus, for at least a temporary “grace” period, the “super user”, having access to the control program, and the “normal users” both have access to the Unix system 2, according to their respective

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access privileges), the limited access right operable to prevent access to the administrative tool at the end user device (see col. 3, line 66-col. 4, line 9 and col. 6, lines 20-29, *"In Unix terms the privileged user must have superuser authority having a unique user identification number 33 of zero"*); detecting a remote connection from the remote user device, the remote connection operable to access the end user device using a remote control module at the remote user device (see session can be opened with the remote system 2 using protocol – Chapman column 5 lines 18-22); and discontinuing (see logging off – see Chapman column 7 lines 14-17; logging off breaks remote connection) at least one process (see terminating all processes – Chapman column 7 lines 16-17), associated with the administrative tool upon detecting a break in the remote connection (see exit access control program – Chapman column 7 lines 28-30).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5774650 to Chapman et al. (hereinafter Chapman) in view of US Patent 6289378 to Meyer et al (hereinafter Meyer).

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As per claim 8 and 20, Chapman discloses all the limitations of parent claims 1 and 13 from which claims 8 and 20 depend, respectively (see above 102 rejections for claim 1 and 13).

Chapman does not disclose expressly wherein the end user device comprises an operating system selected from a group consisting of WINDOWS XP and WINDOWS 2000.

The concept of using Windows as operating system is well known in the art as illustrated by Meyer which teaches an end user device comprises an operating system selected from a group consisting of WINDOWS XP and WINDOWS 2000 (see Windows column 4 lines 61-64).

Meyer and Chapman are analogous art because both have a similar problem solving area, which is to restrict access to users based on the definitions of authorized users. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the system of Chapman with a user device comprises an operating system selected from a group consisting of windows such as disclosed by Meyer et al. The motivation is to provide a platform independent system so as to incorporate comparable devices that are widely used, such as a device that runs on the Windows environment.

Conclusion

ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brendan Y. Higa whose telephone number is (571)272-5823. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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